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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,962	09/25/2004	Wolf-Stephan Wilke	300001-0133	8207
7590	06/07/2006		EXAMINER	
Philip G Meyers Law Office 1009 Long Prairie Road Suite 300 Flower Mound, TX 75022			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 06/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/508,962	WILKE, WOLF-STEPHAN	
	Examiner	Art Unit	
	Thanh K. Truong	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/04 & 2/17/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-7, in the reply filed on March 17, 2006 is acknowledged. The traversal is on the ground(s) that:

"Applicant has amended Claim 8 to specify a "device for carrying out the method as claimed in claim 1 wherein mailings of a mass mailing are shrink-wrapped by a packaging unit at the sender in strips of film, hanging together to form a strip of bags and dispatched hanging together in this way in a strip of bags." Applicant respectfully submits that claim 8, as amended, now incorporates the required technical feature. Therefore the restriction requirement should be withdrawn." (emphasis added).

This is not found persuasive because the claim as amended still does not have the shrink-wrapped device to shrink-wrapped the package at the sender. A packaging unit (as recited in the amended claim 8) is not a shrink-wrapped device, and thus the shrink-wrapped performs by a packaging unit may not be the same technical feature required by the shrink-wrapped device as in claim 1.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 8 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the distribution information" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the individual mailings" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the sender" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the respective destination" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the gaps" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballestrazzi et al. (4,338,768) in view of Irvine (5,052,977) and Roou (4,841,712).

Ballestrazzi discloses (figure 1) a method comprising the steps of:

shrink-wrapped a mass mailing;

separating the strip of bags (1) into individual bag;

forming gaps between the bags for further processing (figures 2a, 2b).

Ballestrazzi discloses the claimed invention, but it does not expressly disclose that: the shrink-wrapped are done in strips of film, the strip of bags are hanging together at a respective destination, and the strip of bags are threaded into the sorting machine before being separated into individual bags.

Roou discloses the method of wrapping of the item in strips of film (48, 50) providing a top and bottom wrapping surfaces that are not interrupted by any sealing line (provides a clear view of the item being wrapped under the wrapping surface). Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Ballestrazzi method by incorporating the using of strips of wrapping film as taught by Roou providing a top and bottom wrapping surfaces that are not interrupted by any sealing line.

Irvine discloses (figures 7 & 8) a method in which the wrapping items 10 are hanging together in a string at a respective destination (figure 7), and the string of item (10) are threaded and separated into individual item (126 – figure 8). Irvine method provides a means to ship a folded strip of wrapped item in a carton (103) in a compact form to a respective destination before the string of item are separated into individual

item for further distribution. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Ballestrazzi method by incorporating the method as taught by Irvine to a respective destination before the string of item are separated into individual item for further distribution.

The modified Ballestrazzi et al. by Roou and Irvine further discloses the steps of:

Regarding claim 2, the mass mailing is wrapped between two endless film strips (48, 50 – Roou).

Regarding claim 3, the shrink-wrapped mailings hanging together are stored in fan-fold form (figures 7 & 8 – Irvine).

Regarding claim 4, the shrink-wrapped mailings hanging together are stored in roll form (figure 6 – Roou).

Regarding claim 5, the strip of bags with the shrink-wrapped mailing is provided with perforation at the sides and the threading transport device of the material input of the sorting machines has transport gear wheels which engage in the perforations (Irvine – column 6, lines 9-18) (the examiner construes that it is obvious to use roller or gear wheels to engage and move the strips of item forward).

Regarding claim 6, following shrink-wrapping, each film bag is provided with an address sticker (7 – Ballestrazzi et al.).

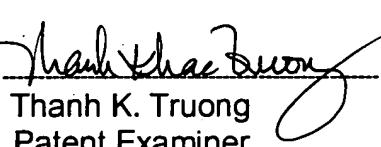
Regarding claim 7, wherein the transparent film are used (the examiner construes that it is obvious that the transparent film are used in order for the user to able to read the address sticker as discloses in figure 7 of Ballestrazzi et al.).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thanh K. Truong
Patent Examiner
April 16, 2006.